

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBRA BECKER,

Plaintiff,

-against-

Docket No.:

21-cv-02855 (EK) (ST)

NASSAU BOCES SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF NASSAU COUNTY (NASSAU BOCES); DR. ROBERT DILLON, Individually and as District Superintendent of the Board of Cooperative Educational Services of Nassau County; DR. TRACEY NEKULAK, Individually and as Executive Director of Human Resources of the Board of Cooperative Educational Services of Nassau County; KIM SCHAROFF, Individually and as Supervisor 1-Speech Language and Hearing Services of the Board of Cooperative Educational Services of Nassau County; PATRICIA SCHWETZ, Individually and as Assistant Director of the Board of Cooperative Educational Services of Nassau County; DR. RANDALL SOLOMON; ISLAND PSYCHIATRY, PC; and JOHN DOE AND JANE DOE # 1-100, said names being fictitious, it being the intent of Plaintiff to designate any and all individuals, officers, members, agents, servants, and/or employees of the aforementioned agencies owing a duty of care to Plaintiff, individually and jointly and severally,

NOTICE OF MOTION

Defendants.

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PLEASE TAKE NOTICE that, upon the Attorney's Affirmation of Adam I. Kleinberg and the attached exhibits; the accompanying *Memorandum of Law in Support of the Nassau BOCES Defendants' Motion to Dismiss the Amended Complaint*; and upon all pleadings and proceedings heretofore had herein, defendants Board of Cooperative Educational Services of Nassau County ("Nassau BOCES") s/h/a Nassau BOCES School District, Dr. Robert Dillon, Dr. Tracey Nekulak, Kim Scharoff, and Patricia Schwetz will move this Court before the Honorable

Judge Eric R. Komitee at the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York, 11201, on a date and time to be determined by the Court, for an Order pursuant to Fed. R. Civ. P. 12(b)(1) and (6) dismissing this action in its entirety with prejudice as against the Nassau BOCES defendants, together with such other and further relief as this Court deems just, equitable, and proper.

PLEASE TAKE FURTHER NOTICE that, as per the Court's directive, answering papers shall be served on or before October 8, 2021;

PLEASE TAKE FURTHER NOTICE that, as per the Court's directive, reply papers shall be served on or before October 18, 2021, with the motion to be filed thereafter.

Dated: Carle Place, New York
September 7, 2021

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Board of Cooperative Educational Services
of Nassau County (Nassau BOCES) s/h/a
Nassau BOCES School District, Dr. Robert
Dillon, Dr. Tracey Nekulak, Kim Scharoff,
and Patricia Schwetz



By: ADAM I. KLEINBERG
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